

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

BYRON CARDOZO,

Defendant

Crim. No. 18cr10251

18 U.S.C. § 2261A(2)(B) (Cyberstalking)

18 U.S.C. § 875(c) (Interstate Threats)

18 U.S.C. § 981(a)(1)(C) & 28 U.S.C.
§ 2461 (Criminal Forfeiture)

SEALED

INDICTMENT

The Grand Jury charges:

Background

At all times relevant to this Indictment:

1. Defendant BYRON CARDOZO resided in the Middle District of Florida.
2. Jane Doe 1 resided in the District of Massachusetts. She was a photographer and writer and posted photographs and/or articles in Online Magazine A and on Website B.
3. In 2001, when he was approximately 17 years old and attending high school, CARDOZO met Jane Doe 1. Jane Doe 1 was approximately 13 years old at the time and attended the middle school on the shared campus of their private school in Florida. CARDOZO pursued a sexual relationship with Jane Doe 1.

4. Online Magazine A was an online publisher of articles, including essays, reports, and interviews. Readers could post online “comments” in the “comments” section associated with an article.

5. Website B was a website created by Jane Doe 1 that featured her photographs and written materials. Website visitors could post online “comments” in the “comments” section.

6. As set forth below, for approximately 18 months, from in or about February 2017 through the date of this Indictment, CARDOZO, using various online platforms, including Facebook, Twitter, and the “comment” sections of Online Magazine A and Website B, engaged in a cyberstalking and interstate threats campaign targeting Jane Doe 1.

7. CARDOZO continued to harass and threaten Jane Doe 1 despite the fact that she had obtained a state court order in April 2017, forbidding CARDOZO from communication with her.

Harassing and Threatening Communications

8. In late 2016, Jane Doe 1 wrote, and then had published in Online Magazine A, an essay describing a traumatic sexual encounter that she had with CARDOZO when she met CARDOZO in person for the first time, in or about 2001. Jane Doe 1 published the essay using her own name but used pseudonyms for CARDOZO and the others involved.

9. Shortly after the article was published, CARDOZO launched a multi-faceted cyberstalking and threats campaign against Jane Doe 1. CARDOZO sent Jane Doe 1 hundreds of messages using pseudonyms and fake social media accounts. CARDOZO posted the majority of his anonymous messages in the “comments” sections of Online Magazine A and Website B.

10. Through these communications, CARDOZO claimed that Jane Doe 1 had fabricated her claims about the coercive nature of the 2001 sexual encounter, provided graphic descriptions of his purported consensual sexual encounter with Jane Doe 1, and described how he masturbated to Jane Doe 1's photographs. CARDOZO made express and implicit threats to injure Jane Doe 1. At other times, CARDOZO also apologized to Jane Doe 1 for the traumatic sexual experience in 2001, asked for forgiveness, expressed his love for Jane Doe 1, and made veiled threats to commit suicide "because of you."

11. As CARDOZO's messages to Jane Doe 1 increased in frequency, Jane Doe 1 reached out to legal authorities for assistance and protection. CARDOZO responded with increased threats, including additional express and implied threats to injure Jane Doe 1.

12. For example, on or about February 23, 2018, CARDOZO posted a comment on Online Magazine A that stated, in part: "Keep digging you [sic] grave deeper and deeper with each and every lie."

13. On or about March 3, 2018, CARDOZO posted a comment on Online Magazine A that stated, in part: "[I] WILL HAUNT YOU FOR THE REST OF YOUR PATHETIC LIFE. . . . [AM I] MAKING [MYSELF] CRYSTAL CLEAR?" and continued, "WE ARE WAITING."

14. On or about March 22, 2018, CARDOZO posted a comment on Online Magazine A that stated, in part: "As much as I love you I can do this until the day I die. You destroyed any hope I had to have just a mere friendship with that Angel [believed to be a reference to a friend of Jane Doe 1 that had a relationship with CARDOZO] because of this GOOD FOR YOU but now I have nothing left to lose."

15. On or about April 3, 2018, after a representative of Jane Doe 1 notified legal authorities about the troubling communications described above, CARDOZO posted a comment on Online Magazine A that stated, in part: “im [sic] going to fix you [first name of Jane Doe 1] whether you like it or not, you started this bullshit now lets [sic] finish it.” He continued, “I CAN’T ALLOW YOU TO DO THAT . . . I’ll beat your ass in this game of chess . . . I’ll beat you till you’re writing Haiku . . . IM CUMMIN OUT YOUR SOCKET NOTHING YOU CAN DO TO STOP . . . MY WRATH RUNS COLD I’LL BEAT YOU IN 17 LINES OF POEM . . HASTA LA VISTA . . .”

16. On or about April 13, 2018, CARDOZO posted a comment on Online Magazine A that stated, in part: “I WISH [pseudonym for CARDOZO used in Jane Doe 1’s essay] HAD RAPED YOUR LYING BITCH ASS HAHAAAAAAAAHA,” and then “I HOPE SOMEONE DOES FUCKING RAPE THE SHIT OUT OF YOU FOR WHAT YOU HAVE DONE TO ME YOU FUCKING BITCH,” “BEST BELIEVE ILL [sic] NEVER FORGET THIS EVER FOR THE REST OF YOUR SAD FUCKING HOMOSEXUAL LYING LIFE ILL [sic] FUCKING HAUNT YOU BITCH,” “ILL [sic] NEVER GO AWAY YOU’LL [sic] ALWAYS HAVE TO LOOK OVER YOUR SCARED SHOULDER HAHAAAAAAAAHA,” “YOU FUCKING LIED ABOUT ME AND THEN TRIED TO HAVE ME ARRESTED?????? FUCK YOU YOU FUCK CUNTILL [sic] THE DAY I DAY ILL [sic] FUCKING REMIND YOU WHAT A LYING PIECE OF FUCKING SHIT YOU ARE . . . NO FAGGOT ATTORNEY OR AMOUNT OF YOUR FAMILYS [sic] MONEY WILL SAVE YOU BITCH,” “NEVER WILL I STOP AS LONG AS THIS FUCKING SHIT EXISTS YOU HEAR ME BITCH NEVER . . . I LOVE YOU SO MUCH . . . i do love you . . . i always have and i always will.”

17. On or about April 14, 2018, CARDOZO posted a comment on Online Magazine A that stated, in part: “did i play the part of your imaginary rapist good enough???? im looking at your pictures right now jacking off about to bust a huge nut to your story once again LOL. . . i am after all your “stalker” in every way one can imagine yes???? . . . There!!! thats [sic] [pseudonym for CARDOZO used in Jane Doe 1’s essay] the rapist right????? . . . I can be your [pseudonym for CARDOZO used in Jane Doe 1’s essay] baby girl secrets can be fun!!!!”

18. On the same date, CARDOZO posted a comment on Online Magazine A that stated, in part: “[pseudonym for CARDOZO used in Jane Doe 1’s essay] IS FUCKING 33 you crazy psycho hahahahahah the MAN THAT RAPED YOU IS 3 YEARS OLDER THEN [sic] YOU HAHHAHAHAHAHAHAHAHAHAHA God you are so FULL OF SHIT [Jane Doe’s first name] I CANT [sic] FUCKING STAND IT!!!!”

19. On or about April 16, 2018, CARDOZO posted a comment on Online Magazine A that stated, in part: “i just busted the biggest nut to the picture of you . . . i picture you waiting begging for my seed to fill your mouth . . . See . . . ??? i can play your [pseudonym for CARDOZO used in Jane Doe 1’s essay] . . . I can be exactly want you have made up in your mind about me all these years.” “This is what you want, right???? . . . I CAN BE THAT FOR YOU [Jane Doe’s first name] I WILL BE THAT FOR YOU . . . ILL [sic] GIVE YOU EXACTLY WHAT YOU WANT SWEET GURL . . . Fuck the only thing i regret about that day was not making you swallow my cum baby girl . . . then my DNA would have been apart [sic] of you for EVER . . . ”

20. On or about April 17, 2018, CARDOZO posted a comment on Online Magazine A that stated, in part: “we will show you exactly what happens when you cry wolf . . . HOW

FUCKING DARE YOU YOU HAVE JUST WOKE THE DRAGON EVEN WORSE BABY GIRL AHAHAHAHA.”

21. On or about May 21, 2018, after a representative of Jane Doe 1 notified legal authorities of CARDOZO’s continued communications, CARDOZO posted a comment on Website B that stated, in part: "You fucking bitch keep it up and you will know what it means to be assaulted." "You are fucking done I dare you to keep pulling this shit I FUCKING DARE YOU BITCH YOU WILL KNOW FEAR TRUST ME BY THE TIME THIS SHIT IS OVER YOU’LL [sic] BE WISHING YOU JUST IGNORED IT." "You will fucking find out what happens when you cry wolf bitch."

22. On or about July 10, 2018, CARDOZO posted a comment on Website B that stated, in part: “hear me now [first name of Jane Doe 1], i will devote my miserable life to destroying yours for what you have dont [sic] you sick Godless bitch...Writer, Photographer, & Amateur Magician and bitch full of shit i hope you send seal team 6 to kill me because you have no idea who you have just fucked with little girl.”

COUNT ONE
18 U.S.C § 2261A(2)(B)
(Cyberstalking)

The Grand Jury re-alleges and incorporates by reference the allegations in paragraphs 1-22 of this Indictment and charges that:

23. From in or about February 2017 through in or about August 2018, in the District of Massachusetts, and elsewhere, defendant

BYRON CARDOZO,

with intent to harass and intimidate, used an interactive computer service and an electronic communications service and electronic communication systems of interstate commerce, and any other facility of interstate and foreign commerce, specifically online postings, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to Jane Doe 1.

All in violation of 18 U.S.C. § 2261A(2)(B).

COUNT TWO
18 USC § 875(c)
(Interstate Threats)

The Grand Jury re-alleges and incorporates by reference paragraphs 1- 22 of this Indictment and further charges that:

24. On or about May 21, 2018, in the District of Massachusetts, and elsewhere, defendant

BYRON CARDOZO,

knowingly and willfully transmitted in interstate and foreign commerce a communication containing a threat to injure the person of another, for the purpose of issuing the threat, knowing that it would be interpreted as a threat, and recklessly disregarding the risk that his communication would be interpreted as a threat, specifically the comment on Website B as described in Paragraph 21 of this Indictment.

All in violation of 18, U.S.C. § 875(c).

FORFEITURE ALLEGATION

(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

1. Upon conviction of the offense set forth in Count Two of this Indictment,

BYRON CARDOZO,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

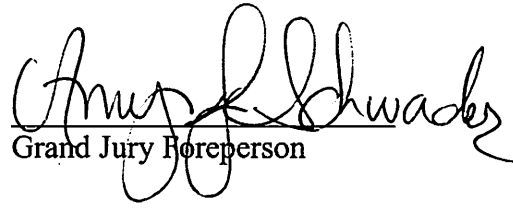
it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

A TRUE BILL




Amy Harman Burkart
Assistant United States Attorney
Mona Sedky
Department of Justice Senior Trial Attorney
Computer Crime & Intellectual Property Section


Grand Jury Foreperson

DISTRICT OF MASSACHUSETTS, ~~Boston, MA~~ August 7, 2018

Returned into the District Court by the Grand Jurors and filed.


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